

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SEANTELL D. CRENSHAW,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	2:06cv276-WKW
KELLY AEROSPACE POWER SYSTEMS,)	
INC.,)	
)	
Defendant.)	

MOTION FOR LEAVE TO FILE DISPOSITIVE MOTION

Defendant Kelly Aerospace Power Systems, Inc. (“Kelly”) moves this Honorable Court to enter an Order allowing Kelly to file a motion for summary judgment after the current dispositive motion deadline. As grounds for this motion, Kelly states as follows:

1. Plaintiff filed a Complaint initiating this action on March 27, 2006, and Kelly answered the complaint on May 15, 2006.
2. The parties jointly submitted a Report of Parties’ Planning Meeting on May 31, 2006 and the Court entered a Uniform Scheduling Order on June 1, 2006.
3. Kelly propounded interrogatories and requests for production to Plaintiff on August 24, 2006.
4. Kelly, on three separate occasions, agreed to extend the deadline for Plaintiff to serve responses to the discovery requests, ultimately agreeing to allow Plaintiff to serve unverified responses on October 26, 2006.
5. On September 7, 2006, Counsel for Kelly contacted Plaintiff’s counsel to arrange a mutually convenient date to conduct Plaintiff’s deposition.

6. After consulting with Plaintiff's counsel, on September 11, 2006, Kelly noticed Plaintiff's deposition for November 1, 2006, and the deposition was completed on that date.

7. The dispositive motion cut off date in the Report of Parties' Planning meeting was November 21, 2006. However, the Uniform Scheduling Order set this deadline for October 26, 2006. Counsel for Kelly inadvertently relied on an incorrect calendaring of the dispositive motion deadline, believing that the deadline was set for November 21, 2006, rather than the actual date of October 26, 2006. Counsel seeks leave to file a substantive and meaningful dispositive motion on or before November 21, 2006.

8. This case is not set for trial until the term of the court beginning March 26, 2007, and the discovery deadline is not until February 9, 2007.

9. The requested leave to file a dispositive motion will not prejudice the Plaintiff and will not affect the Court's other deadlines, including trial.

WHEREFORE, THE PREMISES CONSIDERED, and for good cause shown, the Defendant respectfully requests that this Court enter an Order allowing Kelly to file a dispositive motion on or before November 21, 2006.

Respectfully submitted this 1st day of November, 2006,

s/ Kelly F. Pate

One of the attorneys for Defendant,
Kelly Aerospace Power Systems, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following by
United State Mail, properly addressed and postage prepaid, this the 1st day of November, 2006:

Law Offices of Jay Lewis, LLC
Jay Lewis
Carol Gerard
P.O. Box 5059
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s/ Kelly F. Pate

Of Counsel